

Case No. 5:06cv575
Gwin, J.

28, 2006, Defendant filed a Motion to Dismiss Amended Complaint. [Doc. 13.] Defendant argues that the amended complaint must be dismissed for the same reasons as the original complaint because the two documents are identical “except that the word ‘amended’ is handwritten next to the word ‘Complaint.’” Plaintiff has not filed a response to this motion.

Additionally, the amended complaint lists the plaintiff as “Dennis P. Mulhern,” suing on his own behalf, as opposed to “Dennis P. Mulhern dba Windham Hardware.” However, this difference is insignificant because the Federal Firearms License at issue was granted to Windham Hardware, Inc., not Mulhern in his personal capacity. The “aggrieved party” permitted to seek review of the Attorney General’s license revocation pursuant to 18 U.S.C. § 923(f)(3) is the previous holder of the license. Thus, in the instant case, only Windham Hardware, Inc. would have standing to bring suit. Once again, Mulhern, a corporate officer, cannot represent his business in federal court. *9.19 Acres of Land*, 416 F.2d at 1245.

As such, the Court **GRANTS** Defendant’s Motion to Dismiss Amended Complaint and **DISMISSES** this action without prejudice.

IT IS SO ORDERED.

Dated: January 9, 2007

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE